

REMARKS

Claims 1-19 have been examined. Claims 1, 2, 4, 5, 10-12 and 19 have been rejected under 35 U.S.C. § 102, and claims 1-7, 9-11 and 19 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 8 and 13-18 contain allowable subject matter.

I. Preliminary Matter

Applicant has amended claim 4 to correct a minor antecedent basis error. Such amendments are not made in response to the prior art, and do not narrow the scope of the claim.

II. Rejection under 35 U.S.C. § 102(b) over JP 11-138769 to Suzuki et al (“Suzuki”).

Claims 1, 2, 4, 5, 10, 11 and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a warping part for warping a recording medium, and a discharge roller provided downstream of the warped portion the recording medium.

The Examiner maintains that roller 6b of Suzuki (Fig. 2), discloses the claimed discharge roller, and the bent part disposed at rollers 5, 6a and 6b disclose the claimed warping part. However, as stated in Applicant’s previous response of January 23, 2003, if rollers 5, 6a and 6b form the warping part, then roller 6b cannot simultaneously be disposed “downstream” from the warping part, as required by claim 1. For example, assuming *arguendo* that the rollers 5, 6a and 6b form the warping part, recording medium P does not actually get “warped” until it comes in

contact with roller 6b (Fig. 2). As shown in Fig. 2, recording medium P continues along its transporting path until it reaches roller 6b, which warps, or bends the recording medium P. Therefore, if roller 6b helps warp recording medium P, it cannot also be a discharge roller, located “downstream” from the warped portion. Therefore, Applicant submits that claim 1 is patentable over the cited reference since Suzuki fails to teach or disclose the claimed discharge roller.

Also, Applicant is unsure if the Examiner contends that the curved section of the two parallel lines extending from the “upstream” side of the rollers 5, 6a and 6b, to the “downstream” side of the rollers 5, 6a and 6b, corresponds to the claimed “warping part.” However, as shown in the figures, the paper P does not contact the curved section of the two parallel lines and thus, is not “warped” by the curved section (Fig. 2). Instead, the paper P is bent when it contacts the roller 6a. Accordingly, the curved section does not correspond to the claimed warping part.

In addition, claim 1 comprises a guide member that forms a sheet transporting surface in a transporting direction of the recording medium. Also, the claim comprises a transport path section that (1) transports the recording medium in the transporting direction and (2) is disposed between the guide member and the recording unit. As shown in the enclosed Applicant annotated version of Fig. 2 of Suzuki, the Examiner appears to contend that the Suzuki suggests a recording unit 7, a guide member A, and a transport path section B.

Fig. 2 of Suzuki shows that the recording medium P travels in a particular transporting direction (defined by the line “P”). In particular, the guide member B forms a sheet transporting surface A1 in a transporting direction of the recording medium P. However, the transport path

section B does not transport the recording medium in the transporting direction. Specifically, at most, the edges B1 and B2 may arguably deflect the recording medium P upwards or downwards, but they do not transport the medium in the transporting direction of the medium P shown in Fig. 2. Accordingly, Applicant respectfully requests the Examiner to specifically explain which components of Suzuki teach the claimed guide member and transport path.

B. Claims 2, 4, 5, 10, 11 and 19

Since claims 2, 4, 5, 10, 11 and 19 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency on claim 1.

III. Rejection under 35 U.S.C. § 102(e) over US 6,293,670 to Taniguro et al. (“Taniguro”).

Claims 1-2, 4-5, 10-12 and 19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Taniguro.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that a guide member is ascendingly inclined with respect to a transport path section, wherein the transport path section transports a recording medium in a transporting direction.

The Examiner maintains that platen 34 of Taniguro discloses the claimed guide member (Fig. 1 and 8). As stated on page 10 of the present Office Action, the Examiner maintains that platen 34 meets the “inclined” recitation of claim 1. However, as stated above, the claimed

guide member is ascendingly inclined with respect to a transport path section, i.e. recording medium transporting direction. On the contrary, the portion of platen 34, to the left of position P₂, is declined or “descendingly inclined” with respect to a sheet transporting direction (Fig. 1, Fig. 8). In other words, as the recording medium moves downstream from right to left, platen 34 is formed in a declining direction of the sheet transporting direction (col. 8, lines 45-50). Therefore, Applicant submits that Taniguro fails to disclose the guide member of claim 1.

Accordingly, Applicant submits that claim 1 is patentable over the cited reference.

B. Claim 2, 4, 5, 10-12 and 19

Since claims 2, 4, 5, 10-12 and 19 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Rejection under 35 U.S.C. § 103(a) over JP 11-301880 to Miyasaka et al. (“Miyasaka”) in view of US 5,805,176 to Saito et al (“Saito”).

Claims 1-5, 10, 11 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyasaka in view of Saito.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a guide member, which is ascendingly inclined with respect to a transport path section. The guide member directs a recording medium downward as the recording medium is transported in a transporting direction.

The Examiner maintains that Miyasaka discloses such a feature. In particular, the Examiner maintains that the portion to the right of recording unit 36 discloses the claimed guide member. However, the only portion which is ascendingly inclined with respect to the transporting path is the right side of recess 58 (Fig. 1). As stated in Applicant's previous Amendment of January 23, 2003, the inclined portion to the right side of recess 58 directs the recording medium in an upward direction, not in a downward direction, as required by claim 1.

In addition, since Saito fails to cure the deficient teaching of Miyasaka, Applicant submits that claim 1 is patentable over the combination of the cited references.

B. Claim 2, 3, 4, 5, 10, 11 and 19

Since claims 2, 3, 4, 5, 10, 11 and 19 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

V. Rejection under 35 U.S.C. § 103(a) over Miyasaka in view of JP 11-268857 to Yamada et al ("Yamada").

Claims 6, 7 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyasaka in view of Yamada.

A. Claim 6

The Examiner acknowledges that Miyasaka fails to teach supporting parts supporting both side edges of the recording medium warped by the warping part, but maintains that Yamada

does. However, claim 6 contains similar limitations as recited in claim 1. Since Yamada fails to cure the deficiencies of Miyasaka, which were discussed above, Applicant submits that claim 6 is not rendered obvious over the combination of both references.

B. Claims 7 and 9

Since claims 7 and 9 are dependent upon claim 6, Applicant submits that such claims are patentable at least by virtue of their dependency.

VI. Allowable Subject Matter

As stated on page 9 of the Office Action, the Examiner has indicated that claims 8 and 13 contain allowable subject matter, and claims 14-18 are allowed. Applicant has rewritten claim 13 into independent form.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 10/028,995

overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Bowles
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: July 9, 2003

APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Twice Amended) A recording apparatus comprising:

a feeding unit for storing and feeding a recording medium;

a recording unit for recording information on said recording medium being fed from said feeding unit;

a discharging unit discharging said recording medium transported through said recording unit;

a guide member forming a sheet transporting surface disposed on a downstream side of said recording unit in a transporting direction of said recording medium;

a transport path section which transports said recording medium in said transporting direction and which is disposed between said guide member and said recording unit;

a warping part formed on at least one of said guide member and said transport path section for warping said recording medium; and

a discharge roller provided downstream of a warped portion of said recording medium, wherein said guide member is ascendingly inclined with respect to said transport path section,

wherein said guide member directs said recording medium downward as said recording medium is transported in said transporting direction.

4. (Once Amended) A recording apparatus according to claim 1, [further comprising a sheet]wherein said discharge roller for discharging said recording medium is disposed immediately after said warping part.

13. (Once Amended) [A recording apparatus according to claim 1,]A recording apparatus comprising:

a feeding unit for storing and feeding a recording medium;

a recording unit for recording information on said recording medium being fed from said feeding unit;

a discharging unit discharging said recording medium transported through said recording unit;

a guide member forming a sheet transporting surface disposed on a downstream side of said recording unit in a transporting direction of said recording medium;

a transport path section which transports said recording medium in said transporting direction and which is disposed between said guide member and said recording unit;

a warping part formed on at least one of said guide member and said transport path section for warping said recording medium; and

a discharge roller provided downstream of a warped portion of said recording medium, wherein said guide member is inclined with respect to said transport path section,

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 10/028,995

wherein said guide member directs said recording medium downward as said recording medium is transported in said transporting direction,

wherein said warping part includes a first sheet transporting surface ascendingly inclined and a second sheet transporting surface descendingly inclined with respect to the sheet transporting path of said recording medium.